

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ERIC L. JEFFRIES, :
Plaintiff, : Case No. C-1-02-351
vs. : (Judge Beckwith)
CENTRE LIFE INSURANCE COMPANY, : (Magistrate Judge Hogan)
et al., :
Defendants. : **DEFENDANT'S PROPOSED**
: **INTRODUCTORY STATEMENT**
: **TO JURY AND REQUEST FOR**
: **VOIR DIRE**
:

At the time of drafting this Proposed Introductory Statement, Defendant had already been served with a copy of Plaintiff's proposed introductory statement. This Introductory Statement is based in part on Plaintiff's proposed statements with additions and clarifications intended to present neutral language and accurate facts as requested by the Court.

I. Proposed Introductory Statement for Jury.

This is a disability insurance case. The Plaintiff is Mr. Jeffries. The Defendant is Centre Life Insurance Company. From 1992 through September 1998, Mr. Jeffries worked as a banker at Provident Bank. During that time, Mr. Jeffries purchased an "own occupation" policy of disability insurance from Massachusetts Casualty Insurance Company. Massachusetts Casualty Insurance Company has come to be known as Centre Life Insurance Company who is the Defendant in this case.

Mr. Jeffries claims that he became too ill to work in his occupation as of September 25, 1998. Mr. Jeffries then filed a claim with Centre Life in February 1999. Centre Life retains

Disability Management Services, Inc. ("DMS") to administer its claims. Mr. Jeffries' claim was one of the claims administered by DMS. At the time Mr. Jeffries originally filed his claim, the nature of disabling illness was unclear. Mr. Jeffries has since determined that he has chronic fatigue syndrome.

Although the cause of Mr. Jeffries' disability was not immediately known, Centre Life began paying benefits to Mr. Jeffries shortly after he made his claim in February 1999. They continued paying him benefits until February 2002. This was for thirty-nine (39) months. Following an independent medical examination in February 2003, Centre Life determined that Mr. Jeffries' disability was due to a mental disorder.

Centre has paid Mr. Jeffries total disability benefits for thirty-nine (39) months but asserts that his total disability is due to a mental disorder, not a physical illness. Under the policy, Centre may limit benefits to twenty-four (24) months if it can show that Mr. Jeffries' total disability is due to a mental disorder classified in the DSM-IV. In this lawsuit, Centre asks for the return of fifteen (15) months of Disability benefits that it claims it overpaid Mr. Jeffries. Mr. Jeffries asserts that his total disability is not due to a mental but due to the physical problem of chronic fatigue syndrome. He also claims that his disability continues. Mr. Jeffries has also sought a claim of bad faith.

II. Jury Voir Dire

Defendant does not have any objection to the majority of Plaintiff's proposed voir dire questions. Defendant does question the necessity of question no. 17 and asks that that be limited to Plaintiff's voir dire. In addition, Defendant requests that the following questions be asked of the prospective jurors:

1. Has any member of the jury ever had a claim for insurance benefits denied?

2. Does any member of the jury, their family members or close acquaintances suffer from any psychiatric, mental or emotional disorder?
3. Are any members of the jury panel, their family members or close acquaintances currently disabled from employment?
4. Are any members of the jury panel, their family members or close acquaintances, members and/or associated with the Astin Martin Club, the Ohio Valley Karting Association, the World Karting Association, the Hyde Park Country Club, St. Ursula Villa School, or any other automobile, country or tennis club to which Mr. and Mrs. Jeffries belong?
5. Do any members of the jury panel, their family members or close acquaintances have any personal experience with, work for, or have ever had a claim against an insurance company or been involved in the evaluation or investigation of an insurance claim or the prosecution or investigation of a fraudulent insurance claim?

6. Have any members of the jury panel, their family members or close acquaintances ever had to care for a chronically ill person?

Respectfully submitted,

s/William R. Ellis

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and Disability Management Services, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been filed with the Court by electronic means on this 18th day of April 2004. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/William R. Ellis

William R. Ellis, Esq.

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